

In the High Court of Travancore-Cochin

Before

*The Hon'ble Shri K.S. Govinda Pillai, Judge and
The Hon'ble Shri Joseph Vithayathil, Judge

A.S.35 of 1950

C.S.178 of 1119, Kottayam Mansiff's Court

Appellant - 1st defendant:-

Itty Skaria of Punnapatasseril, Chingalam Kara, Kunnanam Pakuthi.

By Advocate Shri M.S.Joseph

Respondents - Plaintiffs:-

1. Jacob Kathanar Kochitay of Munnampurethu Erupathil, Chengalam Kara, Thiruvapur.

2. Jacob Kathanar Chacko of Do.

By Advocate Shri M.U.Isac.

This appeal suit having been heard on 6-6-1952, the court on the same day delivered the following:-

Judgment

The plea of limitation is against the provisions of Act 180 of the Limitation Act (Travancore) and since the suit was filed within 12 years of the date of demand mentioned in that article it is not barred by limitation. The partial discharge pleaded by the defendant is not satisfactorily made out. The only remaining question relates to the mode of calculation. The amount as due on 21-3-1107 has to be calculated and the sum due to the defendant under the B class ticket is to be deducted. It was admitted on ~~the~~ both sides, that on such deduction, the amount due will be Indian Rs.666-9-0. This along with the moiety of the principal will be the amount due to the plaintiff on the date of suit. Thereafter interest at 4 per cent on the principal sum of Rs.666-9-0 will be calculated till 28-11-1123 when Rs.500 had been deposited by the defendant in court. This will be deducted on that day; and 4 per cent interest will be calculated on the balance till the date of decree of the lower court. The amount found due then together with interest thereon at 4 per cent, and one-half of the costs of the plaintiff in the lower court will be the sum due to the plaintiff.

He is allowed to realise the same from the defendant. There will be no order as to the costs of this appeal.

Sd.K.S.Govinda Pillai, Judge
Sd.Joseph Vithayathil, Judge

6-6-1952

(True copy)

Compared by
T. V. S. Srinivasan

M. V. Srinivasan
Asst. Registrar for Registrar.